

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 SS-20 NSC-10 SSO-00

NSCE-00 L-03 INRE-00 IO-14 DOTE-00 PA-04 PRS-01

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O 051711Z NOV 73

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC IMMEDIATE 438

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E.O. 11652: N/A

TAGS: ETRN, AU

SUBJECT: CIVIAR CHARTER UNDERSTANDING

REF: STATE 216780

1. PROPOSAL FOR INTERIM AGREEMENT CONTAINED REFTEL DISCUSSED THIS MORNING WITH CIVIL AVIATION DEPARTMENT AND FOREIGN MINISTRY. BOTH READILY AGREED AND BOTH UNDERSTAND THAT WE WOULD EXPECT EXCHANGE OF LETTERS TO BE PUBLISHED IN TIAS AND REGISTERED WITH UN. FOLLOWING ARE TEXTS OF PROPOSED LETTERS WE PLAN TO HAVE SIGNED AND EXCHANGED TOMORROW MORNING, NOVEMBER 6. PROPOSED LETTER FROM THE AMBASSADOR TO THE MINISTER OF TRANSPORTATION:

QUOTE I HAVE THE HONOR TO REFER TO DISCUSSIONS WHICH HAVE TAKEN PLACE IN RECENT MONTHS BETWEEN REPRESENTATIVES OF THE REPUBLIC OF AUSTRIA AND THE EMBASSY OF THE UNITED STATES OF AMERICA WITH REGARD TO THE NEW RULES ON ADVANCE CHARTER TRAFFIC WHICH HAVE BEEN ADOPTED BY OUR TWO GOVERNMENTS.

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QUOTE MY GOVERNMENT HAS AUTHORIZED ME TO PROPOSE

THAT PENDING THE CONCLUSION OF A MEMORANDUM OF UNDER-
STANDING ON TRAVEL GROUP CHARTERS (TGCS) AND ADVANCE
BOOKING CHARTERS (ABCS) AUSTRIA AND THE UNITED STATES
AGREE TO ACCEPT AS CHARTERWORTHY TRANSATLANTIC TRAFFIC
ORIGINATED IN THE TERRITORY OF THE OTHER PARTY AND ORGANIZED
AND OPERATED PURSUANT TO THE "ADVANCE CHARTER" (TGC
OR ABC) RULES OF THAT PARTY.

QUOTE IF THIS ARRANGEMENT IS ACCEPTABLE TO YOU, I
PROPOSE THAT THIS LETTER AND YOUR REPLY INDICATING
AGREEMENT SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO
GOVERNMENTS PENDING THE CONCLUSION OF THAT AFOREMENTIONED
MEMORANDUM OF UNDERSTANDING. UNQUOTE

PROPOSED LETTER FROM MINISTER OF TRANSPORTATION TO
THE AMBASSADOR:

QUOTE I HAVE THE HONOR TO ACKNOWLEDGE RECEIPT OF
YOUR LETTER OF NOVEMBER 6, 1973 IN WHICH YOU PROPOSED
THAT PENDING THE CONCLUSION OF A MEMORANDUM OF
UNDERSTANDING ON TRAVEL GROUP CHARTERS (TGCS) AND
ADVANCE BOOKING CHARTERS (ABCS) AUSTRIA AND THE UNITED
STATES AGREE TO ACCEPT AS CHARTERWORTHY TRANSATLANTIC
TRAFFIC ORIGINATED IN THE TERRITORY OF THE OTHER PARTY
AND ORGANIZED AND OPERATED PURSUANT TO THE "ADVANCE
CHARTER" (TGC OR ABC) RULES OF THAT PARTY.

QUOTE THIS ARRANGEMENT IS ACCEPTABLE TO MY GOVERN-
MENT AS AN INTERIM AGREEMENT PENDING CONCLUSION OF THE
AFOREMENTIONED MEMORANDUM OF UNDERSTANDING. I AGREE
THAT YOUR LETTER TOGETHER WITH THIS REPLY SHALL CON-
STITUTE THIS INTERIM AGREEMENT. UNQUOTE. ADVISE BY
IMMEDIATE CABLE IF EXCHANGE AS DRAFTED IS ACCEPTABLE.

2. IN DISCUSSING THIS MATTER TODAY, MINISTER FISCHER
SAID THAT HE STILL PLANS TO DISCUSS THIS WEEK WITH
GOA LEGAL EXPERTS POSSIBILITY FOR HAVING FINAL AGREE-
MENT WITH MEMORANDUM OF UNDERSTANDING EFFECTED BY AN
EXCHANGE OF LETTERS HERE BETWEEN AMBASSADOR AND
TRANSPORT MINISTER. ACCORDING TO FISCHER,
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UNDER AUSTRIAN LAW A MINISTRY CAN BE EMPOWERED TO
ENTER INTO SUCH AGREEMENTS WITH OTHER GOVERNMENTS.
SUCH AN AGREEMENT WOULD NOT REQUIRE THE PROCEDURAL
STEPS THAT HAVE CAUSED THE DELAYS IN THIS CASE. WE
REITERATED TO FISCHER OUR UNDERSTANDING THAT THE
DEPARTMENT WOULD REQUIRE THAT FINAL AGREEMENT BE
FORMALIZED BY EXCHANGE OF DIPLOMATIC NOTES BETWEEN
AMBASSADOR AND FOREIGN MINISTER. HE SAID THAT IF WE

DID INSIST, GOA WOULD COMPLY BUT THAT IT MIGHT TAKE A CONSIDERABLE AMOUNT OF TIME TO COMPLETE FORMALITIES ON FINAL AGREEMENT. IF FISCHER CAN GET APPROVAL WITHIN GOA FOR HIS PROPOSAL, HE MAY COME BACK TO US WITH IT LATER.

3. FISCHER INDICATED IN COURSE OF DISCUSSION THAT HE UNDERSTANDS ECAC MAY SHORTLY BE NEGOTIATING WITH USG ON SUBJECT OF CHARTERS AND THAT AS A RESULT OF SUCH NEGOTIATION THERE MIGHT BE SOME AMENDMENTS TO CHARTER UNDERSTANDINGS NEXT YEAR. THIS IS WHY HE IS PARTICULARLY ANXIOUS TO WRAP UP THE FINAL MEMORANDUM QUICKLY AND AVOID INDEFINITE PROCEDURAL DELAYS.
HUMES

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